

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Petition of McCartery Investments, LLC, :

Petitioner

For an Order Pursuant to the Federal Arbitration Act, 9 USC § 1, et. seq. Confirming an Arbitration Award,

-against-

Abbas A. Shah, Linuxor Asset
Management, LLC and Linuxor Capital
Management, LLC,

Respondents.

Petition of 2001 Jane F. McCarthey GRAT
No. 5,

Petitioner

For an Order Pursuant to the Federal Arbitration Act, 9 USC § 1, et. seq. Confirming an Arbitration Award,

-against-

Abbas A. Shah, Linuxor Asset Management, LLC and Linuxor Capital Management, LLC,

Respondents.

Petition of JFM Holdings L.P.,

Petitioner

For an Order Pursuant to the Federal Arbitration Act, 9 USC § 1, et. seq. Confirming an Arbitration Award,

-against-

07 Civ. 5618 (DLC)

USDC SDNY
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DATE FILED: 12/13/07

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Abbas A. Shah, Linuxor Asset :
Management, LLC and Linuxor Capital :
Management, LLC, :
: Respondents. :
: -----X

DENISE COTE, District Judge:

An Opinion and Order dated November 1, 2007 granted the above-captioned petitions to confirm arbitration awards. An Order of the same date set a briefing schedule for petitioners' request for costs. By letter dated November 14, 2007, each of the petitioners requests costs in the amount of \$1,071.12, for a total of \$3,213.36. They do not point to any statutory or contractual authority for such legal fees. Nonetheless,

[p]ursuant to its inherent equitable powers, . . . a court may award attorney's fees when the opposing counsel acts in bad faith, vexatiously, wantonly, or for oppressive reasons. As applied to suits for the confirmation and enforcement of arbitration awards, . . . when a challenger refuses to abide by an arbitrator's decision without justification, attorney's fees and costs may properly be awarded.

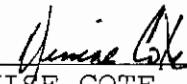
Int'l Chem. Workers Union (AFL-CIO), Local No. 227 v. BASF Wyandotte Corp., 774 F.2d 43, 47 (2d Cir. 1985) (citation omitted). Here, the defendants have not shown justification for their failure to abide by the arbitrator's decision and have not opposed the request for costs. The petitioners have supported their request with evidence of their costs. It is hereby

ORDERED that the November 14 requests for costs for the confirmation proceeding are granted in the amount of \$1,071.12 to each petitioner.

IT IS FURTHER ORDERED that the Clerk of Court shall close each action.

SO ORDERED:

Dated: New York, New York
December 13, 2007


DENISE COTE
United States District Judge